

Michael M. Buchman (*pro hac vice*)  
 Michelle C. Clerkin (*pro hac vice*)  
 Jacob O. Onile-Ere (*pro hac vice*)  
 MOTLEY RICE LLC  
 777 Third Avenue, 27th Floor  
 New York, NY 10017  
 Tel: (212) 577-0050  
 mbuchman@motleyrice.com  
 mclerkin@motleyrice.com  
 jonlineere@motleyrice.com

*Interim Lead Counsel for Plaintiffs and the  
 Proposed Class*

John F. Cove, Jr. (State Bar No. 212213)  
 john.cove@shearman.com  
 Patrick D. Robbins (State Bar No. 152288)  
 probbins@shearman.com  
 SHEARMAN & STERLING LLP  
 535 Mission Street, 25<sup>th</sup> Floor  
 San Francisco, California 94105  
 Telephone: (415) 616-1100  
 Facsimile: (415) 616-1199

Ryan A. Shores (*pro hac vice*)  
 ryan.shores@shearman.com  
 SHEARMAN & STERLING LLP  
 401 9<sup>th</sup> Street, NW, Suite 800  
 Washington DC 20004  
 Telephone: (202) 508-8000  
 Facsimile: (202) 508-8100

*Attorneys for Sony Interactive Entertainment  
 LLC*

[ADDITIONAL COUNSEL ON SIGNATURE PAGE]

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION**

AGUSTIN CACCURI, ADRIAN CENDEJAS  
 and ALLEN NEUMARK on behalf of  
 themselves and all others similarly situated,

Plaintiffs,

v.

SONY INTERACTIVE ENTERTAINMENT  
 LLC,

Defendant.

Case Nos. 3:21-cv-03361-RS  
 3:21-cv-03447-RS  
 3:21-cv-05031-RS

**JOINT STIPULATION AND  
 CASE MANAGEMENT  
 ORDER NO. 2**

1 WHEREAS, each of the named plaintiffs in the above-captioned action separately filed a  
 2 class action alleging violations of antitrust laws in connection with the marketing, distribution  
 3 and sale of digital PlayStation games: *Caccuri v. Sony Interactive Entertainment LLC*, Case No.  
 4 21-cv-03361, ECF No. 1 (the “*Caccuri Action*”); *Cendejas v. Sony Interactive Entertainment*  
 5 *LLC et al.*, Case No. 21-cv-03447, ECF No. 1 (the “*Cendejas Action*”); *Neumark v. Sony*  
 6 *Interactive Entertainment LLC et al.*, Case No. 21-cv-05031, ECF No. 1 (the “*Neumark*  
 7 *Action*”);

8 WHEREAS, the *Caccuri* and *Cendejas* Plaintiffs and defendant Sony Interactive  
 9 Entertainment LLC (“Sony Interactive”) filed a Joint Stipulation And [Proposed] Case  
 10 Management Order No. 1 (*Caccuri Action*, ECF No. 28; *Cendejas Action*, ECF No. 18), which  
 11 the Court ordered (*Caccuri Action*, ECF No. 29; *Cendejas Action*, ECF No. 19), and which  
 12 deferred responses to the above complaints pending the appointment of Interim Lead or Co-Lead  
 13 Counsel and the filing of a single Consolidated Class Action Complaint (the “Consolidated  
 14 Complaint”);

15 WHEREAS, Plaintiff Neumark and Sony Interactive filed a similar Joint Stipulation And  
 16 [Proposed] Case Management Order in the *Neumark Action* (*Neumark Action*, ECF No. 17),  
 17 which the Court ordered (*Neumark Action*, ECF No. 18), and which also deferred responses to  
 18 the *Neumark* Complaint pending the appointment of Interim Lead or Co-Lead Counsel and the  
 19 filing of the Consolidated Class Action Complaint encompassing all three actions;

20 WHEREAS, on December 20, 2021, Plaintiffs filed the Consolidated Class Action  
 21 Complaint in the above-captioned action (*Caccuri Action*, ECF No. 40) alleging violations of the  
 22 antitrust law and other claims in the alleged market for digital PlayStation video game content;

23 WHEREAS, no extension has been previously granted for Sony Interactive to respond to  
 24 the Consolidated Class Action Complaint;

25 WHEREAS, under Case Management Order No. 1, Sony Interactive’s current deadline to  
 26 respond to the Consolidated Class Action Complaint is January 19, 2022;

WHEREAS, to provide Sony Interactive adequate time to evaluate the allegations set forth in the Consolidated Class Action Complaint, including in view of the intervening holidays, and to prepare a response, the undersigned Parties met and conferred and agreed to a thirty-day extension for Sony Interactive to respond to the Consolidated Class Action Complaint (from January 19, 2022 to February 18, 2022);

WHEREAS, the undersigned Parties agree that this Stipulation and Proposed Order is not intended to bar Sony Interactive from filing any motion to compel arbitration or motion under Federal Rule of Civil Procedure 12 after February 18, 2022, that it would otherwise be permitted to file by law, nor intended to affect Plaintiffs' ability to seek motion-related discovery in order to oppose any such motion, or Sony Interactive's ability to oppose such discovery;

WHEREAS, the undersigned Parties agree that the execution and filing of this Stipulation and Proposed Order does not waive or prejudice any right, claim or defense of any party to the above-captioned action;

WHEREAS, the undersigned Parties agree that this Stipulation and Proposed Order does not preclude any further agreement between the Parties on scheduling or any request to the Court for additional orders related to scheduling;

NOW, THEREFORE, the undersigned Parties, through their counsel, hereby stipulate, agree and respectfully request the Court enter an Order setting the deadline for Sony Interactive to respond to the Consolidated Class Action Complaint (including by way of a motion to compel arbitration as to the named Plaintiffs or a motion to dismiss under Rule 12) to February 18, 2022, with appropriate adjustments to the briefing schedule set forth in the Proposed Order below.

Dated: January 7, 2022

Respectfully submitted,

SHEARMAN & STERLING LLP

MOTLEY RICE LLC

/s/ John F. Cove, Jr.

/s/ Michael M. Buchman

John F. Cove, Jr. (SBN 212213)  
Patrick D. Robbins (SBN 152288)  
535 Mission Street, 25<sup>th</sup> Floor

Michael M. Buchman (*pro hac vice*)  
Michelle C. Clerkin (*pro hac vice*)

San Francisco, California 94105  
Telephone: (415) 616-1100  
Facsimile: (415) 616-1199  
john.cove@shearman.com  
probbins@shearman.com

Ryan A. Shores (*pro hac vice*)  
401 9<sup>th</sup> Street, NW, Suite 800  
Washington DC 20004  
Telephone: (202) 508-8000  
Facsimile: (202) 508-8100  
ryan.shores@shearman.com

SHEARMAN & STERLING LLP

*Attorneys for Defendant Sony Interactive  
Entertainment LLC*

Jacob O. Onile-Ere (*pro hac vice*)  
MOTLEY RICE LLC  
777 Third Avenue, 27th Floor  
New York, NY 10017  
Tel: (212) 577-0050  
mbuchman@motleyrice.com  
mclerkin@motleyrice.com  
jonlineere@motleyrice.com

*Interim Lead Counsel for Plaintiffs and  
the Proposed Class*

Jeff S. Westerman (SBN 94559)  
WESTERMAN LAW CORP.  
16133 Ventura Blvd., Suite 685  
Encino, CA 91436  
Tel: (310) 698-7450  
jwesterman@jswlegal.com

*Attorneys for Plaintiff Agustin Caccuri*

Peggy J. Wedgworth (*pro hac vice*)  
Elizabeth McKenna (*pro hac vice*)  
Blake Yagman (*pro hac vice*)  
MILBERG COLEMAN BRYSON  
PHILLIPS GROSSMAN, PLLC  
100 Garden City Plaza, Suite 500  
Garden City, New York 11530  
Tel: (212) 868-1229  
pwedgworth@milberg.com  
emckenna@milberg.com  
byagman@milberg.com

*Attorneys for Plaintiff Allen Neumark*

Joseph R. Saveri (SBN 130064)  
Steven N. Williams (SBN 175489)  
Katharine Malone (SBN 290884)  
Chris K.L. Young (SBN 318371)  
Anupama K. Reddy (SBN 324873)  
JOSEPH SAVERI LAW FIRM, LLP  
601 California Street, Suite 1000  
San Francisco, California 94108  
Telephone: (415) 500-6800  
jsaveri@saverilawfirm.com  
swilliams@saverilawfirm.com  
kmalone@saverilawfirm.com  
cyoung@saverilawfirm.com  
areddy@saverilawfirm.com

JOSEPH SAVERI LAW FIRM, LLP

*Attorneys for Plaintiff Adrian Cendejas*

**E-Filing Attestation**

I, John F. Cove, Jr., am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each signatory identified above has concurred in this filing.

By: /s/ John F. Cove, Jr.  
John F. Cove, Jr.


**ORDER**

The above Stipulation of the Parties is hereby approved. It is HEREBY ORDERED that the case management schedule be revised as follows:

EVENT	DEADLINE
Sony Interactive Entertainment LLC (“Sony Interactive”) Response to Consolidated Complaint	February 18, 2022
Opposition to Sony Interactive’s Motion	March 21, 2022
Reply in Support of Sony Interactive’s Motion	April 12, 2022
Hearing on Sony Interactive’s Motion	May 12, 2022 at 1:30 pm

If Sony Interactive’s Motion is denied, the Parties will meet and confer within seven days of the Court’s order denying the Motion to discuss scheduling matters. Within 14 days of the order, the Parties shall submit an agreed-upon schedule, or, if they cannot agree, separate proposed schedules. No discovery or Rule 26 disclosures shall take place before the resolution of any motion to compel arbitration and/or any motion to dismiss pursuant to Federal Rule of Civil Procedure 12 absent good cause shown.

Dated: January 10, 2022

  
HON. RICHARD G. SEEBORG  
UNITED STATES DISTRICT JUDGE